

LOCKE LORD BISSELL & LIDDELL, LLP  
Three World Financial Center  
New York, NY 10281  
(212) 415-8600  
jfroehlich@lockelord.com

*Attorneys for Apotex Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,	)	
	)	
Plaintiff,	)	Honorable Dennis M. Cavanaugh
	)	
v.	)	
	)	
ACTAVIS ELIZABETH LLC, GLENMARK	)	
PHARMACEUTICALS INC., USA, SUN	)	
PHARMACEUTICAL INDUSTRIES	)	Civil Action No. 07-3770 (DMC)(JAD)
LIMITED, SANDOZ INC., MYLAN	)	
PHARMACEUTICALS INC., APOTEX INC.,	)	
AUROBINDO PHARMA LTD., TEVA	)	
PHARMACEUTICALS USA, INC.,	)	
SYNTHON LABORATORIES, INC., ZYDUS	)	
PHARMACEUTICALS, USA, INC.	)	
	)	
Defendants.	)	
	)	

**NOTICE OF CROSS-APPEAL**

Defendant Apotex Inc. cross-appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action on August 25, 2010, to the extent the Court made any rulings and/or findings adverse to Apotex, including, without limitation, the judgment that:

- (1) Apotex's conduct constitutes inducement of infringement of claims 1-16 of U.S. Patent No. 5,658,590 ("the '590 patent"), if valid;
- (2) Defendants failed to prove by clear and convincing evidence that claims 1-16 of the '590 patent are invalid for obviousness; and

- (3) Defendants failed to prove by clear and convincing evidence that claims 1-16 of the '590 patent are invalid for lack of enablement to the full scope of the claims.

and from all underlying and related opinions, orders, decisions, and rulings.

Dated: August 27, 2010

Respectfully submitted,

APOTEX INC.

s/ Joseph N. Froehlich

Joseph N. Froehlich  
Alan B. Clement  
Andrea L. Wayda  
LOCKE LORD BISSELL & LIDDELL LLP  
Three World Financial Center  
New York, NY 10281  
(212) 415-8600  
jfroehlich@lockelord.com

*Attorneys for Apotex Inc.*

*Of counsel:*

Keith D. Parr  
Scott B. Feder  
Kevin M. Nelson  
Myoka K. Goodin  
David B. Abramowitz  
LOCKE LORD BISSELL & LIDDELL LLP  
111 South Wacker Dr.  
Chicago, Illinois 60606  
Phone: 312-443-0700  
Fax: 312-443-0336

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 27, 2010, I electronically filed the foregoing NOTICE OF CROSS-APPEAL with the clerk of the Court by using the Court's CM/ECF system, and accordingly served all parties who receive notice of the filing via the Court's CM/ECF system.

Dated: August 27, 2010

s/Joseph N. Froehlich

Joseph N. Froehlich